IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 14690 of 2005**

Between:

1 A. Vijayamma, W/o. partha Sarathi,
H.No. 12-5-539, Tirupathi, Chittoor, District.
2 M. Lakshmi Devamma, W/o. M. Mastan Naidu,
12-5-348, S.K.D. Nagar, Tirupathi, Chittoor District.

**..... PETITIONERS**

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Chittoor, Chittoor Disrict.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring illegal action of 2nd respondent is contrary entering in to survey No. 495/4, situated at Tirupathi rural No.49, without following due process of law and without giving notice as arbitrary discriminatory and violative of the fundamental rights guaranteed to us under Article 14 & 21 of the constitution of India.

**Counsel for the Petitioners: SRI.V.RAVI BABU**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following :**

**ORDER:**

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of 2nd respondent in entering into the land in Survey No.495/4, situated at Tirupati Rural No.49, without following due process of law and without giving notice, as arbitrary, discriminatory and violative.

The petitioners claim to have enjoyed the land in question since 24-11-1993 by paying taxes to it, having purchased the same from T. Srinivasulu and others who enjoyed the same since 1969. The grievance of the petitioners is that the 2nd respondent-Mandal Revenue Officer without giving any notice to them and without following due process of law, entered into the land in question and is trying to level the land for preparing plots. Questioning the impugned action of the 2nd respondent, the petitioners filed the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents.

Admittedly, no registered document is filed by the petitioners to substantiate their title over the land in question. This apart, whether the petitioners are the rightful owners of the property in question and whether they are in possession and enjoyment of the same, are all questions of fact which cannot be gone into in a proceeding under Article 226 of the Constitution of India.

In the above view of the matter, I see no merits in the writ petition and the same is accordingly dismissed at the stage of admission. No order as to costs.

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E.DHARMA RAO, J

Dated:08.07.2005

MRKR

To

1 The District Collector, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Chittoor, Chittoor Disrict.

3 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

4. Two C.D.copies.